

House Bill 707 (COMMITTEE SUBSTITUTE)

By: Representatives Spencer of the 180th, Stover of the 71st, Turner of the 21st, Caldwell of the 20th, Cooke of the 18th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding health, so as to enact the "Georgia Health Care Freedom Act";
3 to provide a short title; to provide that neither the state nor any department, agency, bureau,
4 authority, office, or other unit of the state nor any political subdivision of the state shall
5 expend or use moneys, human resources, or assets of the State of Georgia to advocate or
6 influence the citizens of this state in support of the voluntary expansion by the state of
7 eligibility for medical assistance under the provisions of 42 U.S.C. 1396(a), Section 1902 of
8 the federal Social Security Act, as amended; to provide for enforcement; to provide for
9 applicability; to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated,
10 relating to general provisions regarding insurance, so as to provide that no department,
11 agency, instrumentality, or political subdivision of this state shall establish any program;
12 promulgate any rule, policy, guideline, or plan; or change any program, rule, policy, or
13 guideline to implement, establish, create, administer, or otherwise operate an exchange, or
14 apply for, accept, or expend federal moneys related to the creation, implementation, or
15 operation of an exchange; to provide for an exception; to prohibit the state and its
16 departments, agencies, bureaus, authorities, offices, or other units of the state and its political
17 subdivisions from providing navigator programs; to prohibit the Commissioner of Insurance
18 from enforcing or investigating any health care insurance related provision of the federal
19 Patient Protection and Affordable Care Act of 2010; to provide for applicability; to provide
20 for related matters; to provide an effective date; to repeal conflicting laws; and for other
21 purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 This Act shall be known and may be cited as the "Georgia Health Care Freedom Act."

SECTION 2.

Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions regarding health, is amended by adding a new article to read as follows:

"ARTICLE 3

31-1-40.

(a) Neither the state nor any department, agency, bureau, authority, office, or other unit of the state nor any political subdivision of the state shall expend or use moneys, human resources, or assets to advocate or influence the citizens of this state in support of the voluntary expansion by the State of Georgia of eligibility for medical assistance under the provisions of 42 U.S.C. 1396(a), Section 1902 of the federal Social Security Act, as amended.

(b) The Attorney General shall enforce the provisions of this Code section in accordance with Article V, Section III, Paragraph IV of the Constitution of the State of Georgia.

(c) Nothing in this Code section shall be construed to prevent an employee of the State of Georgia or any department, agency, bureau, authority, office, or other unit thereof or any employee of a political subdivision of this state from advocating or attempting to influence public policy on such employee's personal time without using state resources."

SECTION 3.

Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, is amended by adding new Code sections to read as follows:

"33-1-23.

(a) As used in this Code section, the term 'exchange' shall have the same meaning provided for in paragraph (1) of Code Section 33-23-201.

(b) No department, agency, instrumentality, or political subdivision of this state shall:

(1) Establish any program; promulgate any rule, policy, guideline, or plan; or change any program, rule, policy, or guideline to implement, establish, create, administer, or otherwise operate an exchange; or

(2) Apply for, accept, or expend federal moneys related to the creation, implementation, or operation of an exchange.

(c) Nothing in this Code section shall apply to the Commissioner of Insurance in the implementation or enforcement of the provisions of Article 3 of Chapter 23 of this title.

(d) Neither the state nor any department, agency, bureau, authority, office, or other unit of the state, including the University System of Georgia and its member institutions, nor

58 any political subdivision of the state shall establish, create, implement, or operate a
59 navigator program as defined in Code Section 33-23-201.

60 33-1-24.

61 The Commissioner of Insurance is prohibited from enforcing or investigating any health
62 care insurance related provision of the federal Patient Protection and Affordable Care Act
63 of 2010. Nothing in this Code section shall be construed to apply to the regulation of rates
64 or rate filings, investigations, administrative or judicial proceedings, or any other duty or
65 responsibility arising under state or local law regarding health care insurers by the
66 Commissioner of Insurance."

67 **SECTION 4.**

68 This Act shall become effective upon its approval by the Governor or upon its becoming law
69 without such approval.

70 **SECTION 5.**

71 All laws and parts of laws in conflict with this Act are repealed.